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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: FACEBOOK, INC. CONSUMER  
PRIVACY USER PROFILE LITIGATION,

This document relates to:

ALL ACTIONS

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CASE NO. 3:18-MD-02843-VC

**FACEBOOK, INC.'S RESPONSE TO  
ORDER RE ADI COMMUNICATIONS**

1 Pursuant to the Court’s January 25, 2023 Order re ADI Communications (Dkt. 1098)  
2 (“Order”), Facebook files the attached documents, and, out an abundance of caution, explains its  
3 understanding of what the Order is seeking.

4 The Order describes Paragraph 17 of Special Master Garrie’s January 10, 2022 Supplemental  
5 Order Regarding Production of ADI Related Documents (“Special Master Order”) as referencing  
6 “several documents he reviewed that Facebook produced in discovery” and orders Facebook to file  
7 “those documents” by today. *Id.* (emphasis added). We want to clarify our understanding of the  
8 underlined phrase and how we interpret it to ensure compliance with the Court’s Order.

9 Paragraph 17 of the Special Master Order provides that, “[a]fter reviewing a substantial  
10 portion of the 6,000+ documents pertaining to the six exemplar apps that Facebook provided, Special  
11 Master Garrie finds that a substantial number of the documents are relevant to the case and not  
12 protected by privilege,” and then cites six documents with “INCAMERA” Bates stamps.

13 With respect to documents the Special Master “reviewed that Facebook produced in  
14 discovery,” we understand this to mean documents that Facebook submitted in camera to Special  
15 Garrie from the ADI sampling exercise ordered by Judge Corley in which the parties agreed on six  
16 exemplar apps and Facebook logged approximately 6,000 ADI communications (including  
17 attachments) for those six apps. Judge Corley reviewed 20 of those communications selected by  
18 plaintiffs and briefed by the parties in advance of issuing her September 8, 2021 order directing  
19 Facebook to produce ADI background and technical reports, audits, and developer interviews for the  
20 six exemplar apps. Dkts. 513, 611, 613, 736.

21 Given the reference to “several,” we understand the Court does not want all of the documents  
22 from the ADI sampling exercise, or the “substantial portion” of them the Special Master says he  
23 reviewed, and therefore attach the six documents cited in Paragraph 17 of the Special Master Order.<sup>1</sup>  
24  
25

26  
27 <sup>1</sup> Three of the six documents cited by the Special Master are attachments to ADI communications  
28 from Gibson Dunn to Facebook (FB-ADI-INCAMERA-0000000126, -0000000262, -0000000854,  
-0000000854, including an ADI technical report which had already been produced in standalone  
form in response to Judge Corley’s September 8, 2021 order (FB-ADI-INCAMERA-0000000262).

1  
2 DATED: January 27, 2023

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